

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

RUSSELL DOMITROVICH, individually and on behalf of himself and all others similarly situated,

Plaintiff,

v.

M. C. DEAN, INC.,

Defendant.

Civil Action No.:
3:22-cv-00989

Judge Richardson/Newbern

**DEFENDANT M. C. DEAN INC.’S CONSENT MOTION FOR EXTENSION OF TIME
TO RESPOND TO COMPLAINT**

Defendant M. C. Dean, Inc. (“M. C. Dean”), in accordance with Federal Rule of Civil Procedure 6(b)(1)(A) and the Court’s Practice and Procedure Manual (Section III. B.), respectfully requests that this Court extend M. C. Dean’s time to respond to Plaintiff Russell Domitrovich’s (“Plaintiff”) Class Action Complaint until and including February 23, 2023. In support, M. C. Dean states as follows:

1. On December 6, 2022, Plaintiff filed a Class Action Complaint against M. C. Dean in this Court. (ECF No. 1.)

2. This action is the first filed of two currently pending actions against M. C. Dean arising out of a data security incident that it experienced. The other action is captioned, *Gussie v. M. C. Dean, Inc.*, No. 1:22-cv-1416, filed on December 12, 2022 in the United States District Court for the Eastern District of Virginia.

3. The parties in this action are set to appear before Magistrate Judge Newbern on February 9, 2023 at 10 a.m. for an initial case management conference (ECF No. 4), during which

they are to address substantive issues relating to Plaintiff's claims and M. C. Dean's defenses, whether early dispositive motions are anticipated, including potential pleading amendments to cure such motions, and whether the parties intend to explore early alternative dispute resolution (ECF No. 6).

4. M. C. Dean submits that the requested extension will afford the parties more time and an opportunity to address these matters before the initial case management conference.

5. M. C. Dean has not requested an extension of deadlines before, this request is not sought for the purpose of delay, and no party will be prejudiced by the relief sought in this motion.

6. Undersigned counsel conferred with Plaintiff's counsel about the requested extension, and Plaintiff's counsel consented to and does not oppose the relief sought in this Consent Motion.

For the foregoing reasons, M. C. Dean respectfully requests that this Court extend its time to respond to the Class Action Complaint through and including February 23, 2023.

Dated: January 20, 2023.

Respectfully submitted,

/s/ Mary Wu Tullis

Mary Wu Tullis
Tennessee Bar No. 31339
BAKER DONELSON
165 Madison Ave., Ste. 2000
Memphis, TN 38103
Telephone: (901) 577-8180
mtullis@bakerdonelson.com

Attorney for Defendant
M. C. Dean, Inc.

Consented to by:

/s/ Laura Van Note

Laura Van Note
Admitted Pro Hac Vice
COLE & VAN NOTE
555 12TH Street, Suite 1725
Oakland, CA 94607
Telephone: (510) 891-9800
Facsimile: (510) 891-7030
lvn@colevannote.com

Jessica S. Prater
Tennessee Bar No. 39374
GALAHER LAW, PLLC
725 Cool Springs Blvd. Suite #600
Franklin, TN 37067
(865) 556-0075
Email: jessica@galaherlaw.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I certify that on this day, I served a copy of the foregoing on counsel through the Court's CM/ECF system, which will automatically provide a copy to all counsel of record.

Dated: January 20, 2023.

/s/ Mary Wu Tullis